

# Exhibit 25

Filed Under Seal

From: Dan Bornstein. Sent: 3/30/2007 9:46 AM.  
 To: [ - ] Ihab Awad.  
 Cc: [ - ]  
 Bcc: [ - ]  
 Subject: Re: Classpath exception stuff....

HUGE CAVEAT: I AM NOT A LAWYER.

- > My understanding is that, with the GPL JRE code, the classpath
- > exception is null and void if your "derivative work" JRE does not
- > comply with some spec (the JSR for the specific version of the JRE?).
- >
- > I know we've discussed this before but, just for my sanity, is that correct?

That is not my understanding. The concern that my group has is effectively that the classpath exception can disappear in what amount to unintentional / nonobvious ways, and once the exception is null and void, \*if\* you happened to have delivered it and linked a proprietary app with it (by running it, that is), then the proprietary app vendor will have unintentionally had their code GPLed.

Basically, it is an "attractive nuisance" licensing nightmare waiting to happen.

I understand that people in your group may disagree with this analysis and/or feel that this concern is unfounded.

- > So if you change a file and release its changes under GPL + classpath exception
- > \*yourself\*, you're ok. Right?

One analysis seems to be that only Sun can effectively release code based on their sources that includes the classpath exception.[\*] In the discussion I participated in on the thing-eng list a few months ago, I freely admitted that I don't see why it is implied by the license text, but again, I am not a lawyer, and I am not interested in claiming that any legal analysis I do is sound. My main interest with regards to the licensing questions is to steer well clear of any potential problems, get my product shipped, and have potential customers -- i.e., other companies with paranoid legal staffs -- not have to worry about using what I've done.

GNU + classpath very well may turn out not to be a real problem, but my take is "why tempt fate?" especially in that we are going to be able to deliver a more-favorably licensed version within a reasonable timeframe.

My question for you is: what is your underlying aim of asking / resolving this question?

-dan

[\*] FWIW, I believe Neal said, on this question in particular, he was going to ask his contacts at Sun if this was an intended consequence. So, do ask Neal if you want to find out what Sun's opinion on the matter is.